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CONSTITUTION

—OF—

SOUTH CAROLINA,

RATIFIED APRIL 16, 1868.



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CONSTITUTION  
OF THE  
COMMONWEALTH  
OF  
SOUTH CAROLINA,

RATIFIED APRIL 16, 1868.

---

TOGETHER WITH THE  
CONSTITUTION  
OF THE  
UNITED STATES OF AMERICA.

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Printed by order of the Senate of South Carolina.

COLUMBIA, S. C.  
CHARLES A. CALVO, JR., STATE PRINTER.  
1883.

This is to certify that this Constitution was adopted by a majority of votes by the Constitutional Convention of the State of South Carolina assembled under the Reconstruction Acts of Congress, and which was held at Charleston, beginning on the fourteenth day of January and ending on the seventeenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight, and in the ninety-second year of the sovereignty and independence of the United States of America, and was ratified by the votes of a majority of the qualified electors of the State at an election which was holden on the fourteenth, fifteenth and sixteenth days of April in the same year.

# CONSTITUTION.

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*We, the People of the State of South Carolina, in Convention assembled,* Grateful to Almighty God for this opportunity deliberately and peaceably of entering into an explicit and solemn com-<sup>Declaration of rights.</sup> pact with each other, and forming a new Constitution of civil government for ourselves and posterity, recognizing the necessity of the protection of the people in all that pertains to their freedom, safety and tranquillity, and imploring the direction of the Great Legislator of the Universe, do agree upon, ordain and establish the following

## DECLARATION OF RIGHTS AND FORM OF GOVERNMENT AS THE CONSTITUTION OF THE COMMONWEALTH OF SOUTH CAROLINA.

### ARTICLE 1.

#### DECLARATION OF RIGHTS.

SECTION 1. All men are born free and equal—endowed by their Creator with certain inalien-<sup>Equality of</sup> able rights, among which are the rights of men. enjoying and defending their lives and liberties, of acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness.

SECTION 2. Slavery shall never exist in this State; neither shall involuntary servitude, except as <sup>Slavery pro-</sup> a punishment for crime, whereof the party <sup>hibited.</sup> shall have been duly convicted.

SECTION 3. All political power is vested in and derived from the people only; therefore they have the right, at all times, to modify their form of government in such manner as they may deem expedient, when the public good demands.

SECTION 4. Every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and no law or ordinance of this State in contravention or subversion thereof can have any binding force.

SECTION 5. This State shall ever remain a member of the American Union, and all attempts, from whatsoever source, or upon whatever pretext, to dissolve the said Union shall be resisted with the whole power of the State.

SECTION 6. The right of the people peaceably to assemble to consult for the common good, and to petition the Government, or any department thereof, shall never be abridged.

SECTION 7. All persons may freely speak, write and publish their sentiments on any subject, being responsible for the abuse of that right; and no laws shall be enacted to restrain or abridge the liberty of speech or of the press.

SECTION 8. In prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall be the judges of the law and the facts.

SECTION 9. No person shall be deprived of the right to worship God according to the dictates of his own conscience: *Provided*, That the liberty of conscience hereby declared shall not justify



practices inconsistent with the peace and moral safety of society.

SECTION 10. No form of religion shall be established by law; but it shall be the duty of the General Assembly to pass suitable laws to <sup>Religious worship pro-</sup> tected. protect every religious denomination in the peaceable enjoyment of its own mode of worship.

SECTION 11. The right of trial by jury shall remain inviolate. Trial by jury.

SECTION 12. No person shall be disqualified as a witness, or be prevented from acquiring, hold- <sup>Personal rights</sup> ing and transmitting property, or be hindered in acquiring education, or be liable to any other punishment for any offense, or be subjected in law to any other restraints or disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances.

SECTION 13. No person shall be held to answer for any crime or offense until the same is fully, <sup>Rights of ac-</sup> fairly, plainly, substantially and formally de- <sup>cused persons.</sup> scribed to him; or be compelled to accuse or furnish evidence against himself; and every person shall have a right to produce all proofs that may be favorable to him, to meet the witnesses against him face to face, to have a speedy and public trial by an impartial jury, and to be fully heard in his defense by himself or by his counsel, or by both, as he may elect.

SECTION 14. No person shall be arrested, imprisoned, despoiled or dispossessed of his property, im- <sup>Ex post facto</sup> munities or privileges, put out of the protec- <sup>laws prohib-</sup> tion of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers or the law of the land. And the General Assembly shall not enact any law that shall subject any person to punishment without trial by jury; nor shall he be punished

but by virtue of a law already established, or promulgated prior to the offense, and legally applied.

SECTION 15. All Courts shall be public, and every <sup>Publicity of Courts.</sup> person, for any injury that he may receive in his lands, goods, person or reputation, shall have remedy by due course of law, and justice administered without unnecessary delay.

SECTION 16. All persons shall, before conviction, be <sup>Right of bail.</sup> bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and excessive bail shall not, in any case, be required, nor corporal punishment inflicted.

SECTION 17. The privilege of the writ of *habeas corpus* shall not be suspended, except when, in <sup>Habeas corpus.</sup> case of insurrection, rebellion or invasion, the public safety may require it.

SECTION 18. No person, after having been once <sup>Not triable twice for the same offense.</sup> acquitted by a jury, shall again, for the same offense, be put in jeopardy of his life or liberty.

SECTION 19. All offenses less than felony, and in <sup>Punishments.</sup> which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment or intervention of a Grand Jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher crime or offense unless on presentment of a Grand Jury, except in cases arising in the land and naval service, or in the militia when in actual service in time of war or public danger.

SECTION 20. No person shall be imprisoned for debt, <sup>Imprisonment for debt.</sup> except in cases of fraud; and a reasonable amount of property, as a homestead, shall be

exempted from seizure or sale for the payment of any debts or liabilities, except for the payment of such obligations as are provided for in this Constitution.

SECTION 21. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of con- Obligation of tracts, shall ever be enacted; and no convic- contracts. tion shall work corruption of blood or forfeiture of estate.

SECTION 22. All persons have a right to be secure from unreasonable searches or seizures of their Right of persons, houses, papers or possessions. All search. warrants shall be supported by oath or affirmation, and the order of the warrant to a civil officer to make search or seizure in suspected places, or to arrest one or more suspected persons, or to seize their property, shall be accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant shall be issued but in the cases and with the formalities prescribed by the laws.

SECTION 23. Private property shall not be taken or applied for public use, or for the use of cor- Right of way. porations, or for private use, without the consent of the owner or a just compensation being made therefor: *Provided, however,* That laws may be made securing to persons or corporations the right of way over the lands of either persons or corporations, and, for works of internal improvement, the right to establish depots, stations, turnouts, etc.; but a just compensation shall, in all cases, be first made to the owner.

SECTION 24. The power of suspending the laws, or the execution of the laws, shall never be exer- Suspension of cised but by the General Assembly, or by laws. authority derived therefrom, to be exercised in such particular cases only as the General Assembly shall expressly provide for.

SECTION 25. No person shall, in any case, be subject  
Martial law. to martial law, or to any pains or penalties by  
 virtue of that law, except those employed in the army  
 or navy of the United States, and except the militia in  
 actual service, but by authority of the General Assem-  
 bly.

SECTION 26. In the government of this Common-  
Departments of Government distinct. wealth, the Legislative, Executive and Judi-  
 cial powers of the Government shall be for-  
 ever separate and distinct from each other, and no per-  
 son or persons exercising the functions of one of said  
 departments shall assume or discharge the duties of any  
 other.

SECTION 27. The General Assembly ought frequently  
Redress of grievances. to assemble for the redress of grievances, and  
 for making new laws, as the common good  
 may require.

SECTION 28. The people have a right to keep and  
Right to bear arms. bear arms for the common defense. As in  
 times of peace armies are dangerous to  
 liberty, they ought not to be maintained without the  
 consent of the General Assembly. The military power  
 ought always to be held in an exact subordination to  
 the civil authority and be governed by it.

SECTION 29. In time of peace no soldier shall be  
Quartering of soldiers. quartered in any house without the consent  
 of the owner; and in time of war such  
 quarters shall not be made but in a manner prescribed  
 by law.

SECTION 30. No person who conscientiously scruples  
Non-combatants. to bear arms shall be compelled so to do, but  
 he shall pay an equivalent for personal ser-  
 vice.

SECTION 31. All elections shall be free and open, and every inhabitant of this Commonwealth possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office. Freedom of elections.

SECTION 32. No property qualification shall be necessary for an election to or the holding of any office, and no office shall be created the appointment to which shall be for a longer time than good behavior. After the adoption of this Constitution, any person who shall fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe. Property qualification. Duelists disqualified.

SECTION 33. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or improper conduct. Right of suffrage.

SECTION 34. Representation shall be apportioned according to population, and no person in this State shall be disfranchised or deprived of any of the rights or privileges now enjoyed, except by the law of the land or the judgment of his peers. Apportionment of representation.

SECTION 35. Temporary absence from the State shall not forfeit a residence once obtained. Forfeiture of residence.

SECTION 36. All property subject to taxation shall be taxed in proportion to its value. Each individual of society has a right to be protected in the enjoyment of life, liberty and property, according to standing laws. He should, therefore, contribute his share to the expense of his protection, and give his personal service when necessary. Taxation of property.

SECTION 37. No subsidy, charge, impost, tax or duties shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives lawfully assembled.

SECTION 38. Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted, nor shall witnesses be unreasonably detained.

SECTION 39. No title of nobility or hereditary emolument shall ever be granted in this State. Distinction on account of race or color, in any case whatever, shall be prohibited, and all classes of citizens shall enjoy equally all common, public, legal and political privileges.

SECTION 40. All navigable waters shall remain forever public highways, free to the citizens of the State and the United States, without tax, impost or toll imposed; and no tax, toll, impost or wharfage shall be imposed, demanded or received from the owner of any merchandise or commodity, for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be authorized by the General Assembly.

SECTION 41. The enumeration of rights in this Constitution shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people.

## ARTICLE 2.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in two distinct branches, the one to be styled the "Senate," and the other the "House

of Representatives," and both together the "General Assembly of the State of South Carolina."

SECTION 2. The House of Representatives shall be composed of members chosen by ballot every second year, by the citizens of this State, <sup>Representa-</sup>  
qualified as in this Constitution is provided. <sup>tives.</sup>

SECTION 3. The Judicial Districts shall hereafter be designated as Counties, and the boundaries of <sup>Judicial Dis-</sup>  
the several Counties shall remain as they are <sup>tricts.</sup>  
now established, except the County of Pickens, which is hereby divided into two Counties, by a line leaving the Southern boundary of the State of North Carolina where the White Water\* River enters this State, and thence down the centre of said river, by whatever names known, to Ravenel's Bridge, on Seneca River, and thence along the centre of the road leading to Pendleton Village, until it intersects the line of the County of Anderson; and the territory lying East of said line shall be known as the County of Pickens; and the territory lying West of said line shall be known as the County of Oconee: *Provided*, That the General Assembly shall have the power at any time to organize new Counties by changing the boundaries of any of the old ones; but no new County shall be hereafter formed of less extent than six hundred and twenty-five square miles, nor shall any existing Counties be reduced to a less extent than six hundred and twenty-five square miles. Each County shall constitute one Election District.

SECTION 4. The House of Representatives shall consist of one hundred and twenty-four mem- <sup>Apportion-</sup>  
bers, to be apportioned among the several <sup>ment of repre-</sup>  
Counties according to the number of inhabitants con- <sup>sentation.</sup>  
tained in each. An enumeration of the inhabitants, for this purpose, shall be made in eighteen hundred and sixty-

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\*Amended; see page 52.

nine, and again in eighteen hundred and seventy-five, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed; and Representatives shall be assigned to the different Counties in the above mentioned proportion, by Act of the General Assembly, at the session immediately succeeding every enumeration: *Provided*, That until the apportionment which shall be made upon the next enumeration shall take effect, the representation of the several Counties, as herein constituted, shall be as follows:

Abbeville, five; Anderson, three; Barnwell, six; Beaufort, seven; Charleston, eighteen; Chester, three; Clarendon, two; Colleton, five; Chesterfield, two; Darlington, four; Edgefield, seven; Fairfield, three; Georgetown, three; Greenville, four; Horry, two; Kershaw, three; Lancaster, two; Laurens, four; Lexington, two; Marion, four; Marlboro, two; Newberry, three; Oconee, two; Orangeburg, five; Pickens, one; Richland, four; Spartanburg, four; Sumter, four; Union, three; Williamsburg, three; York, four.

SECTION 5. If the enumeration herein directed shall Duty of Governor as to enumeration. not be made in the course of the year appointed for the purpose, it shall be the duty of the Governor to have it effected as soon thereafter as shall be practicable.

SECTION 6. In assigning Representatives to the several Counties, the General Assembly shall Assignment of Representatives. allow one Representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State: *Provided*, That if in the apportionment of Representatives any County shall appear not to be entitled, from its population, to a Representative, such County shall, nevertheless, send one Representative; and if there be still a deficiency of the



number of Representatives required by Section fourth of this Article, such deficiency shall be supplied by assigning Representatives to those Counties having the largest surplus fractions.

SECTION 7. No apportionment of Representatives shall be construed to take effect in any manner When to take effect. until the general election which shall succeed such apportionment.

SECTION 8. The Senate shall be composed of one member from each County, to be elected for Senators. the term of four years by the qualified voters of the State, in the same manner in which members of the House of Representatives are chosen, except the County of Charleston, which shall be allowed two Senators.

SECTION 9. Upon the meeting of the first General Assembly which shall be chosen under the Two classes. provisions of this Constitution, the Senators shall be divided by lot into two classes, as nearly equal as may be; the seats of the Senators of the first class to be vacated at the expiration of two years after the Monday following the general election, and of those of the second class at the expiration of four years, so that, except as above provided, one-half of the Senators may be chosen every second year.

SECTION 10. No person shall be eligible to a seat in the Senate or House of Representatives who Eligibility. at the time of his election is not a citizen of the United States; nor any one who has not been for one year next preceding his election a resident of this State and for three months next preceding his election a resident of the County whence he may be chosen; nor any one who has been convicted of an infamous crime. Senators shall be at least twenty-five and Representatives at least twenty-one years of age.

SECTION 11. The first election for Senators and Rep-  
Time of elec- resentatives under the provisions of this Con-  
tion. stitution shall be held on the fourteenth,  
 fifteenth and sixteenth days of April of the present  
 year, and the second election shall be held on the third  
 Wednesday in October, eighteen hundred and seventy;  
 and forever thereafter on the same day in every sec-  
 ond year, in such manner and at such places as the  
 General Assembly may hereafter provide.\*

SECTION 12. The first session of the General Assem-  
Meetings of bly after the ratification of this Constitution  
Legislature. shall be convened on the second Tuesday of  
 May of the present year, in the City of Columbia,  
 (which shall remain the seat of government until  
 otherwise determined by the concurrence of two-thirds  
 of both branches of the whole representation,) and  
 thereafter on the fourth Tuesday in November an-  
 nually. Should the casualties of war or contagious dis-  
 eases render it unsafe to meet at the seat of govern-  
 ment, then the Governor may, by proclamation, appoint  
 a more secure and convenient place of meeting.

SECTION 13. The terms of office of the Senators and  
Term of Representatives chosen at a general election  
office. shall begin on the Monday following such  
 election.

SECTION 14. Each house shall judge of the election  
Quorum. returns and qualifications of its own mem-  
 bers, and a majority of each house shall constitute a  
 quorum to do business; but a smaller number may  
 adjourn from day to day and may compel the attend-  
 ance of absent members, in such manner and under  
 such penalties as may be provided by law.

SECTION 15. Each house shall choose its own officers,  
Officers. determine its rules of proceeding, punish its

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\*Amended; see pages 51 and 54.

members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

SECTION 16. Each house may punish by imprisonment, during its sitting, any person not a member who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence, or who, during the time of its sitting, shall threaten harm to body or estate of any member for anything said or done in either house, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the house, in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the house: *Provided*, That such time of imprisonment shall not in any case extend beyond the session of the General Assembly.

SECTION 17. The members of both houses shall be protected in their persons and estates during their attendance on, going to and returning from the General Assembly, and ten days previous to the sitting and ten days after the adjournment thereof. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony or breach of the peace.

SECTION 18. Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; and all other Bills may originate in either House, and may be amended, altered or rejected by the other.

SECTION 19. The style of all laws shall be: "Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same."

SECTION 20. Every Act or Resolution having the  
But one sub-  
ject. force of law shall relate to but one subject,  
 and that shall be expressed in the title.

SECTION 21. No Bill shall have the force of law until  
Must be read  
three times. it shall have been read three times, and on  
 three several days, in each house, has had  
 the Great Seal of State affixed to it, and has been  
 signed in the Senate House by the President of the  
 Senate and the Speaker of the House of Representa-  
 tives.

SECTION 22. No money shall be drawn from the Trea-  
Drafts on the  
Treasury. sury but in pursuance of an appropriation  
 made by law ; and a regular statement and  
 account of the receipts and expenditures of all public  
 moneys shall be published annually, in such manner as  
 may be by law directed.

SECTION 23. Each member of the first General As-  
Pay of mem-  
bers. sembly under this Constitution shall receive  
 six dollars per diem while in session, and the  
 further sum of twenty cents for every mile of the ordi-  
 nary route of travel in going to and returning from the  
 place where such session is held, after which they shall  
 receive such compensation as shall be fixed by law ; but  
 no General Assembly shall have the power to increase  
 the compensation of its own members. And when  
 convened in extra session they shall receive the same  
 mileage and per diem compensation as are fixed by law  
 for the regular session, and none other.

SECTION 24. In all elections by the General Assem-  
Votes viva  
voce. bly, or either house thereof, the members  
 shall vote "*viva voce*," and their votes, thus  
 given, shall be entered upon the Journal of the house  
 to which they respectively belong.

SECTION 25. Neither house, during the session of the General Assembly, shall, without the consent Adjournments. of the other, adjourn for more than three days, nor to any other place than that in which the Assembly shall be at the time sitting.

SECTION 26. Each house shall keep a Journal of its own proceedings, and cause the same to be Journals. published immediately after its adjournment, excepting such parts as in its judgment may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the Journals. Any member of either house shall have liberty to dissent Protests. from, and protest against, any Act or Resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the Journals.

SECTION 27. The doors of each house shall be open, except on such occasions as in the opinion of Open doors. the house may require secrecy.

SECTION 28. No person shall be eligible to a seat in the General Assembly whilst he holds any Ineligibility. office of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, Magistrates, or Justices of Inferior Courts, while such Justices receive no salary. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat: *Provided*, That this prohibition shall not extend to the members of the first General Assembly.

SECTION 29. If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a member Failure to elect. of either house shall refuse to qualify and Refusal to qualify. take his seat, or shall resign, die, depart the

State, accept any disqualifying office, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate, or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified, was elected to serve, or the defaulting election district ought to have chosen a member or members.

SECTION 30. Members of the General Assembly, and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath:

“I do solemnly swear (or affirm, as the case may be,) that I am duly qualified, according to the Constitution of the United States and of this State, to exercise the duties of the office to which I have been elected, (or appointed,) and that I will faithfully discharge, to the best of my abilities, the duties thereof; that I recognize the supremacy of the Constitution and laws of the United States over the Constitution and laws of any State; and that I will support, protect and defend the Constitution of the United States, and the Constitution of South Carolina, as ratified by the people on the sixteenth day of April, 1868. So HELP ME GOD.” (And the President of this Convention is authorized to fill the blanks in this Section whenever he shall receive satisfactory information of the day on which this Constitution shall be ratified.)

SECTION 31. Officers shall be removed for incapacity, misconduct or neglect of duty, in such manner as may be provided by law, when no

mode of trial or removal is provided in this Constitution.

SECTION 32. The family homestead of the head of each family residing in this State, such homestead consisting of dwelling house, out-build-<sup>The homestead.</sup> ings and lands appurtenant, not to exceed the value of one thousand dollars and yearly product thereof, shall be exempt from attachment, levy or sale on any mesne or final process issued from any Court. To secure the full enjoyment of said homestead exemption to the person entitled thereto, or to the head of any family, the personal property of such person, of the following character, to wit, household furniture, beds and bedding, family library, arms, carts, wagons, farming implements, tools, neat cattle, work animals, swine, goats and sheep, not to exceed in value, in the aggregate, the sum of five hundred dollars, shall be subject to like exemption as said homestead, and there shall be exempt, in addition thereto, all necessary wearing apparel: *Provided*, That no property shall be exempt from attachment, levy or sale for taxes or for payment of obligations contracted for the purchase of said homestead or the erection of improvements thereon: *Provided, further*, That the yearly products of said homestead shall not be exempt from attachment, levy or sale for the payment of obligations contracted in the production of the same. It shall be the duty of the General Assembly, at their first session, to enforce the provisions of this Section by suitable legislation.\*

SECTION 33. All taxes upon property, real or personal, shall be laid upon the actual value of<sup>Assessments.</sup> the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax.

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\*Amended; see page 53.

## ARTICLE 3.

## EXECUTIVE DEPARTMENT.

SECTION 1. The supreme Executive authority of this  
The Governor. State shall be vested in a Chief Magistrate,  
who shall be styled "The Governor of the State of  
South Carolina."

SECTION 2. The Governor shall be elected by the  
Election of. electors duly qualified to vote for members  
of the House of Representatives, and shall hold his  
office for two years, and until his successor shall be  
chosen and qualified, and shall be re-eligible. He shall  
be elected at the first general election held under this  
Constitution for members of the General Assembly and  
at each general election thereafter, and shall be installed  
during the first session of the said General Assembly  
after his election, on such day as shall be provided for  
by law. The other State officers elect shall at the same  
time enter upon the performance of their duties.

SECTION 3. No person shall be eligible to the office  
Eligibility of. of Governor who denies the existence of the  
Supreme Being, or who at the time of such election  
has not attained the age of thirty years, and who,  
except at the first election under this Constitution,  
shall not have been a citizen of the United States and  
a citizen and resident of this State for two years next  
preceding the day of election. No person while Gov-  
ernor shall hold any office or other commission (except  
in the militia) under this State, or any other power, at  
one and the same time.

SECTION 4. The returns of every election of Gov-  
Returns of election. ernor shall be sealed up by the Managers of  
election. Elections in their respective Counties and  
transmitted by mail to the seat of government, directed  
to the Secretary of State, who shall deliver them to



the Speaker of the House of Representatives at the next ensuing session of the General Assembly, and a duplicate of said returns shall be filed with the Clerks of the Courts of said Counties, whose duty it shall be to forward to the Secretary of State a certified copy thereof upon being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the Secretary of State, after the expiration of seven days from the day upon which the votes have been counted, if the returns thereof from any County have not been received, to notify the Clerk of the Court of said County and order a copy of the returns filed in his office to be forwarded forthwith. The Secretary of State shall deliver the returns to the Speaker of the House of Representatives at the next ensuing session of the General Assembly, and during the first week of the session, or as soon as the General Assembly shall have organized by the election of the presiding officers of the two houses, the Speaker shall open and publish them in the presence of both houses. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the General Assembly shall, during the same session, in the House of Representatives, choose one of them Governor *viva voce*. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

SECTION 5. A Lieutenant Governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor, and shall *ex officio* be President of the Senate.

Lieutenant  
Governor Pres-  
ident of the  
Senate.

SECTION 6. The Lieutenant Governor, while presiding in the Senate, shall have no vote, unless To have no vote, unless, &c the Senate be equally divided.

SECTION 7. The Senate shall choose a President *pro tempore*, to act in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor. President pro tempore.

SECTION 8. A member of the Senate or of the House of Representatives being chosen and acting as Governor or Lieutenant Governor shall thereupon vacate his seat, and another person shall be elected in his stead. Vacation of seats.

SECTION 9. In case of the removal of the Governor from his office, or his death, resignation, removal from the State, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant Governor, and the General Assembly, at its first session after the ratification of this Constitution, shall, by law, provide for the case of removal, death, resignation, or inability, both of the Governor and Lieutenant Governor, declaring what officer shall then act as Governor, and such officer shall act accordingly, until such disability shall have been removed, or a Governor shall have been elected. In case of removal or resignation.

SECTION 10. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the actual service of the United States. Commander-in-Chief.

SECTION 11. He shall have power to grant reprieves and pardons after conviction, (except in cases of impeachment,) in such manner, on such terms and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall Reprieves and pardons.

be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted by him, with a full statement of each case, and the reasons moving him thereunto.

SECTION 12. He shall take care that the laws be faithfully executed, in mercy. To execute the laws.

SECTION 13. The Governor and Lieutenant Governor shall, at stated times, receive for their services a compensation, which shall be neither increased nor diminished during the period for which they shall have been elected. Compensation.

SECTION 14. All officers in the Executive Department shall, when required by the Governor, give him information in writing upon any subject relating to the duties of their respective offices. Reports of officers.

SECTION 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient. Give information to the Legislature.

SECTION 16. He may, on extraordinary occasions, convene the General Assembly; and should either house remain without a quorum for five days, or in case of disagreement between the two houses with respect to the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the time of the annual session then next ensuing. Extra sessions.

SECTION 17. He shall commission all officers of the State. Commissions.

SECTION 18. There shall be a Seal of the State, for which the General Assembly, at its first session, shall provide, and which shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina."

SECTION 19. All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the Great Seal, signed by the Governor, and countersigned by the Secretary of State.

SECTION 20. The Governor and the Lieutenant Governor, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in Article two, Section thirty, of this Constitution.

SECTION 21. The Governor shall reside at the capital of the State; but during the sittings of the General Assembly he shall reside where its sessions are held, except in case of contagion.

SECTION 22. Every Bill or Joint Resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and, if he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated; which shall enter the objections at large on its Journals and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered, and, if approved by two-thirds of that house, it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both houses shall be taken by yeas and nays, and the names of the persons voting for and against the Bill or Joint Resolution shall be entered on the Journals of both houses respectively. If a Bill or Joint Resolution shall not be returned by the Governor within three days after it shall have been presented to him, Sundays excepted, it shall have the

same force and effect as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not have such force and effect unless returned within two days after their next meeting.

SECTION 23. There shall be elected by the qualified voters of the State a Comptroller General, a Treasurer, and a Secretary of State, who shall hold their respective offices for the term of four\* years, and whose duties and compensation shall be prescribed by law.

## ARTICLE 4.

### JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to wit, a Court of Common Pleas, having civil jurisdiction, and a Court of General Sessions, with criminal jurisdiction only, in Probate Courts, and in Justices of the Peace. The General Assembly may also establish such municipal and other inferior Courts as may be deemed necessary.

SECTION 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum. They shall be elected by a joint vote of the General Assembly for the term of six years, and shall continue in office until their successors shall be elected and qualified. They shall be so classified that one of the Justices shall go out of office every two years.

SECTION 3. The Chief Justice elected under this Constitution shall continue in office for six years, and the General Assembly, immediately after the said

\*Amended; see page 52.

election, shall determine which of the two Associate Justices elect shall serve for the term of two years, and which for the term of four years, and, having so determined the same, it shall be the duty of the Governor to commission them accordingly.

SECTION 4. The Supreme Court shall have appellate Jurisdiction. jurisdiction only in cases of Chancery, and shall constitute a Court for the correction of errors at law, under such regulations as the General Assembly may by law prescribe: *Provided*, The said Court shall always have power to issue writs of injunction, *mandamus*, *quo warranto*, *habeas corpus*, and such other original and remedial writs as may be necessary to give it a general supervisory control over all other Courts in the State.

SECTION 5. The Supreme Court shall be held at least Sessions. once in each year at the seat of government, and at such other place or places in the State as the General Assembly may direct.

SECTION 6. No Judge shall preside on the trial of any Disqualifica- cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel or have presided in any inferior Court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall be thus disqualified from presiding in any cause or causes, the Court or the Judges thereof shall certify the same to the Governor of the State, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and inferior Courts as is prescribed in this Section for cases of the Supreme Court.

SECTION 7. There shall be appointed by the Judges of the Supreme Court a Reporter and Clerk of <sup>Reporter and</sup> said Court, who shall hold their offices for two <sup>Clerk.</sup> years, and whose duties and compensation shall be prescribed by law.

SECTION 8. When a judgment or decree is reversed or affirmed by the Supreme Court, every <sup>Judgments and</sup> point made and distinctly stated in writing in <sup>decree.</sup> the cause and fairly arising upon the record of the case shall be considered and decided, and the reasons therefor shall be concisely and briefly stated in writing and preserved with the records of the case.

SECTION 9. The Judges of the Supreme Court and Circuit Courts shall, at stated times, receive <sup>Compensation.</sup> a compensation for their services, to be fixed by law, which shall not be diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power.

SECTION 10. No person shall be eligible to the office of Judge of the Supreme Court or Circuit <sup>Eligibility.</sup> Courts who is not at the time of his election a citizen of the United States and has not attained the age of thirty years, and been a resident of this State for five years next preceding his election, or from the adoption of this Constitution.

SECTION 11. All vacancies in the Supreme Court or other inferior tribunals shall be filled by elec- <sup>Vacancies.</sup> tions as herein prescribed: *Provided*, That if the unexpired term does not exceed one year such vacancy may be filled by Executive appointment. All Judges, by virtue of their office, shall be conservators of the peace throughout the State.

SECTION 12. In all cases decided by the Supreme Court a concurrence of two of the Judges shall be necessary to a decision.

SECTION 13. The State shall be divided into convenient Circuits, and for each Circuit a Judge shall be elected by joint ballot of the General Assembly, who shall hold his office for a term of four years, and during his continuance in office he shall reside in the Circuit of which he is Judge.

SECTION 14. Judges of the Circuit Court shall interchangeably change Circuits with each other in such manner as may be determined by law.

SECTION 15. The Courts of Common Pleas shall have Common Pleas, (exclusive jurisdiction in all cases of divorce, and) exclusive original jurisdiction in all civil cases and actions *ex delicto* which shall not be cognizable before Justices of the Peace, and appellate jurisdiction in all such cases as may be provided by law. They shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs which may be necessary for carrying their powers fully into effect.

SECTION 16. The Court of Common Pleas shall sit in each Judicial District in this State at least twice in every year, at such stated times and places as may be appointed by law. It shall have jurisdiction in all matters of equity, but the Courts heretofore established for that purpose shall continue as now organized until the first day of January, one thousand eight hundred and sixty-nine, for the disposition of causes now pending therein, unless otherwise provided by law.

SECTION 17. The General Assembly shall provide by law for the preservation of the records of the Courts of Equity, and also for the transfer to the Court of Common Pleas and Probate Courts for



final decision of all causes that may remain undetermined. It shall be the duty of the Judges of the Supreme and Circuit Courts to file their decisions within sixty days from the last day of the term of Court at which the causes were heard.

SECTION 18. The Court of General Sessions shall have exclusive jurisdiction over all criminal <sup>Jurisdiction.</sup> cases which shall not be otherwise provided for by law. It shall sit in each County in the State at least three times in each year, at such stated times and places as the General Assembly may direct.

SECTION 19. The qualified electors of each County shall elect three persons for the term of two <sup>County Com-</sup> years, who shall constitute a Board of County <sup>missioners.</sup> Commissioners, which shall have jurisdiction over roads, highways, ferries, bridges, and in all matters relating to taxes, disbursements of money for County purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective Counties: *Provided*, That in all cases there shall be the right of appeal to the State Courts.

SECTION 20. A Court of Probate shall be established in each County, with jurisdiction in all mat- <sup>Court of Pro-</sup> ters testamentary and of administration in <sup>bate.</sup> business appertaining to minors, and the allotment of dower in cases of idiocy and lunacy and persons *non compotes mentis*. The Judge of said Court shall be elected by the qualified electors of the respective Counties for the term of two years.

SECTION 21. A competent number of Justices of the Peace and Constables shall be chosen in each <sup>Justices of the</sup> County by the qualified electors thereof, in <sup>Peace.</sup> such manner as the General Assembly may direct; they shall hold their offices for a term of two years and until their successors are elected and qualified. They shall

reside in the County, city or beat for which they are elected, and the Justices of the Peace shall be commissioned by the Governor.

SECTION 22. Justices of the Peace, individually, or Jurisdiction. two or more of them jointly, as the General Assembly may direct, shall have original jurisdiction in cases of bastardy, and in all matters of contract, and actions for the recovery of fines and forfeitures where the amount claimed does not exceed one hundred dollars, and such jurisdiction as may be provided by law in actions *ex delicto* where the damages claimed do not exceed one hundred dollars, and prosecutions for assault and battery, and other penal offenses less than felony, punishable by fines only, *except petit larceny.*

SECTION 23. They may also sit as examining Courts, Powers. and commit, discharge or recognize (except in capital cases) persons charged with offenses, subject to such regulations as the General Assembly may provide; they shall also have power to bind over to keep the peace, or for good behavior. For the foregoing purposes, they shall have power to issue all necessary processes.

SECTION 24. Every action cognizable before Justices of the Peace, instituted by summons or warrant, shall be brought before some Justice of the Peace in the County or city where the defendant resides, and in all such causes tried by them the right of appeal shall be secured under such rules and regulations as may be provided by law.

SECTION 25. The Judges of Probate, County Commissioners, Justices of the Peace and Constables shall receive for their services such compensation and fees as the General Assembly may from time to time by law direct.

SECTION 26. Judges shall not charge juries in respect to matters of fact, but may state the testi- Charge of. mony and declare the law.

SECTION 27. There shall be elected in each County, by the electors thereof, one Clerk for the Clerks of Court Court of Common Pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be Clerk of all other Courts of record held therein, but the General Assembly may provide by law for the election of a Clerk, with a like term of office, for each or any other of the Courts of record, and may authorize the Judge of the Probate Court to perform the duties of Clerk for his Court, under such regulations as the General Assembly may direct. Clerks of Courts shall be removable for such cause and in such manner as shall be prescribed by law.

SECTION 28. There shall be an Attorney General for the State, who shall perform such duties as Attorney Gen-  
eral. may be prescribed by law. He shall be elected by the qualified electors of the State for the term of four\* years, and shall receive for his services such compensation as shall be fixed by law.

SECTION 29. There shall be one Solicitor for each Circuit, who shall reside therein, to be Solicitors. elected by the qualified electors of the Circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. In all cases where an attorney for the State of any Circuit fails to attend and prosecute according to law, the Court shall have power to appoint an attorney *pro tempore*.

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\*See amendment to Article 3, Section 23, page 52.

SECTION 30. The qualified electors of each County shall elect a Sheriff and Coroner, for the <sup>Sheriffs and</sup> term of four years, and until their successors <sup>Coroners.</sup> are elected and qualified; they shall reside in their respective Counties during their continuance in office, and be disqualified for the office a second time if it should appear that they, or either of them, are in default for moneys collected by virtue of their respective offices.

SECTION 31. All writs and processes shall run and all <sup>Writs and</sup> prosecutions shall be conducted in the name <sup>processes.</sup> of the State of South Carolina; all writs shall be attested by the Clerk of the Court from which they shall be issued; and all indictments shall conclude "against the peace and dignity of the State."

SECTION 32. The General Assembly shall provide by <sup>Decisions of</sup> law for the speedy publication of the deci- <sup>the Supreme</sup> sions of the Supreme Court made under this <sup>Court.</sup> Constitution.

SECTION 33. The first General Assembly convened <sup>Constitutional</sup> under this Constitution, at their first session, <sup>amendment.</sup> immediately after their permanent organization, shall ratify the amendment to the Constitution of the United States known as the Fourteenth Article, proposed by the Thirty-ninth Congress.

SECTION 34. All contracts, whether under seal or <sup>Slave con-</sup> not, the consideration of which were for the <sup>tracts.</sup> purchase of slaves, are hereby declared null and void and of no effect, and no suit, either at law or equity, shall be commenced or prosecuted for the enforcement of such contracts; and all proceedings to enforce satisfaction or payment on judgments or decrees rendered, recorded, enrolled or entered up on such contracts in any Court of this State are hereby prohibited; and all orders heretofore made in this State in

relation to such contracts, whereby property is held subject to decision as to the validity of such contracts, are also hereby declared null and void and of no effect.

## ARTICLE 5.

### JURISPRUDENCE.

SECTION 1. The General Assembly shall pass such laws as may be necessary and proper to de- <sup>Arbitrators.</sup> cide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

SECTION 2. It shall be the duty of the General Assembly to pass the necessary laws for the change <sup>Change of</sup> of venue in all cases, civil and criminal, over <sup>venue.</sup> which the Circuit Courts have original jurisdiction, upon a proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the County where such trial or prosecution was commenced.

SECTION 3. The General Assembly, at its first session after the adoption of this Constitution, shall <sup>Codification</sup> make provision to revise, digest and arrange, <sup>of laws.</sup> under proper heads, the body of our laws, civil and criminal, and form a penal code, founded upon principles of reformation, and have the same promulgated in such manner as they may direct; and a like revision, digest and promulgation shall be made within every subsequent period of ten years. That justice may be administered in a uniform mode of pleading, without distinction between law and equity, they shall provide for abolishing the distinct forms of action, and for that purpose shall appoint some suitable person or persons, whose duty it shall be to revise, simplify and abridge the rules, practice, pleadings and forms of the Courts now in use in this State.

## ARTICLE 6.

## EMINENT DOMAIN.

SECTION 1. The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to this and any other State bounded by the same; and they, together with all other navigable waters within the limits of the State, shall be common highways, and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax or impost therefor, unless the same be expressly provided for by the General Assembly.

SECTION 2. The title to all lands and other property which have heretofore accrued to this State by grant, gift, purchase, forfeiture, escheats or otherwise shall vest in the State of South Carolina the same as though no change had taken place.

SECTION 3. The people of the State are declared to possess the ultimate property in and to all lands within the jurisdiction of the State, and all lands the title to which shall fail from defect of heirs shall revert or escheat to the people.

## ARTICLE 7.

## IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment, and any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

SECTION 2. All impeachments shall be tried by the Senate, and when sitting for that purpose How tried. they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of all the members elected. When the Governor is impeached, the Chief Justice of the Supreme Court, or the senior Judge, shall preside, with a casting vote in all preliminary questions.

SECTION 3. The Governor and all other executive and judicial officers shall be liable to impeach- Who liable. ment; but judgment in such case shall not extend further than removal from office. The persons convicted shall, nevertheless, be liable to indictment, trial and punishment according to law.

SECTION 4. For any willful neglect of duty, or other reasonable cause, which shall not be sufficient Causes of impeachment. ground of impeachment, the Governor shall remove any executive or judicial officer on the address of two-thirds of each house of the General Assembly: *Provided*, That the cause, or causes, for which said removal may be required shall be stated at length in such address and entered on the Journals of each house: *And provided, further*, That the officer intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defense, before any vote for such address; and in all cases the vote shall be taken by yeas and nays, and be entered on the Journals of each house respectively.

## ARTICLE 8.

### RIGHT OF SUFFRAGE.

SECTION 1. In all elections by the people the electors shall vote by ballot. The ballot.

SECTION 2. Every male citizen of the United States, Qualification of electors. of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State one year, and in the County in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any elections: *Provided*, That no person shall be allowed to vote or hold office who is now, or hereafter may be, disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States: *Provided, further*, That no person while kept in any alms house or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

SECTION 3. It shall be the duty of the General Assembly Registration. to provide from time to time for the registration of all electors.

SECTION 4. For the purpose of voting, no person Residence. shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State or the United States, or of the high seas, nor while temporarily absent from the State.

SECTION 5. No soldier, seaman or marine in the army Soldiers and sailors. or navy of the United States shall be deemed a resident of this State in consequence of having been stationed therein.



SECTION 6. Electors shall in all cases, except treason, felony or breach of the peace, be privileged Exemption from arrest. from arrest and civil process during their attendance at elections, and in going to and returning from the same.

SECTION 7. Every person entitled to vote at any election shall be eligible to any office which now Eligibility to office. is, or hereafter shall be, elective by the people in the County where he shall have resided sixty days previous to such election, except as otherwise provided in this Constitution or the Constitution and laws of the United States.

SECTION 8. The General Assembly shall never pass any law that will deprive any of the citizens Disqualifications. of this State of the right of suffrage, except for treason, murder,\* robbery, or dueling, whereof the persons shall have been duly tried and convicted.

SECTION 9. Presidential Electors shall be Presidential Electors. elected by the people.

SECTION 10. In all elections held by the people under this Constitution, the person or persons who Who elected. shall receive the highest number of votes shall be declared elected.

SECTION 11. The provisions of this Constitution concerning the term of residence necessary to Not applicable to. enable persons to hold certain offices therein mentioned shall not be held to apply to officers chosen by the people at the first election, or by the General Assembly at its first session.

SECTION 12. No person shall be disfranchised for felony or other crimes committed while such Former slaves not disfranchised. person was a slave.

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\*Amended; see page 55.

## ARTICLE 9.

## FINANCE AND TAXATION.

SECTION 1. The General Assembly shall provide by <sup>Assessment</sup> law for a uniform and equal rate of assess-  
and taxation. ment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds of which alone shall be taxed; and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes.

SECTION 2. The General Assembly may provide an-  
Poll tax. nually for a poll tax, not to exceed one dollar on each poll, which shall be applied exclusively to the public school fund. And no additional poll tax shall be levied by any municipal corporation.

SECTION 3. The General Assembly shall provide for  
Annual tax. an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year the General Assembly shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year.

SECTION 4. No tax shall be levied except in pursu-  
Object to be stated. ance of a law, which shall distinctly state the object of the same; to which object such tax shall be applied.

SECTION 5. It shall be the duty of the General Assem-  
Exemptions. bly to enact laws for the exemption from taxation of all public schools, colleges and institutions of learning, all charitable institutions in the nature of

asylums for the infirm, deaf and dumb, blind, idiotic and indigent persons, all public libraries, churches and burying grounds; but property of associations and societies, although connected with charitable objects, shall not be exempt from State, County or municipal taxation: *Provided*, That this exemption shall not extend beyond the buildings and premises actually occupied by such schools, colleges, institutions of learning, asylums, libraries, churches and burial grounds, although connected with charitable objects.

SECTION 6. The General Assembly shall provide for the valuation and assessment of all lands and <sup>Valuation of</sup> the improvements thereon prior to the assembling of the General Assembly of one thousand eight hundred and seventy, and thereafter on every fifth year.

SECTION 7. For the purpose of defraying extraordinary expenditures the State may contract <sup>Public debts.</sup> public debts; but such debts shall be authorized by law for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the General Assembly, to be recorded by yeas and nays on the Journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt.\*

SECTION 8. The corporate authorities of Counties, Townships, School Districts, cities, towns and <sup>Municipal</sup> villages may be vested with power to assess <sup>taxes.</sup> and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. And the General Assembly shall require that all the property, except that heretofore exempted, within the limits

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\*See Article 16, page 51.

of municipal corporations shall be taxed for the payment of debts contracted under authority of law.

SECTION 9. The General Assembly shall provide for Incorporations the incorporation and organization of cities and towns, and shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

SECTION 10. No scrip, certificate or other evidence of State indebtedness shall be issued except for Evidences of State indebtedness. the redemption of stock, bonds or other evidences of indebtedness previously issued, or for such debts as are expressly authorized in this Constitution.

SECTION 11. An accurate statement of the receipt Receipts and expenditures. and expenditures of the public money shall be published, with the laws of each regular session of the General Assembly, in such manner as may by law be directed.

SECTION 12. No money shall be drawn from the Treasury but in pursuance of appropriations Drafts on the Treasury. made by law.

SECTION 13. The fiscal year shall commence on the Fiscal year. first day of November in each year.

SECTION 14. Any debt contracted by the State shall State bonds. be by loan on State bonds, of amounts not less than fifty dollars each, on interest, payable within twenty years after the final passage of the law authorizing such debt. A correct registry of all such bonds shall be kept by the Treasurer in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

SECTION 15. Suitable laws shall be passed by the General Assembly for the safe keeping, transfer and disbursement of the State, County State, County and School funds. and school funds; and all officers and other

persons charged with the same shall keep an accurate entry of each sum received, and of each payment and transfer, and shall give such security for the faithful discharge of such duties as the General Assembly may provide. And it shall be the duty of the General Assembly to pass laws making embezzlement of such funds a felony, punishable by fine and imprisonment, proportioned to the amount of deficiency or embezzlement, and the party convicted of such felony shall be disqualified from ever holding any office of honor or emolument in this State: *Provided, however,* That the General Assembly, by a two-third vote, may remove the disability upon payment in full of the principal and interest of the sum embezzled.

SECTION 16. No debt contracted by this State in behalf of the late rebellion, in whole or in part, Rebel debts. shall ever be paid.

## ARTICLE 10.

### EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected by the qualified Superintendent of Education. electors of the State in such manner and at such time as the other State officers are elected; his powers, duties, term of office and compensation shall be defined by the General Assembly.

SECTION 2. There shall be elected biennially in each County, by the qualified electors thereof, one School Commissioner. School Commissioner, said Commissioners to constitute a State Board of Education, of which the State Superintendent shall, by virtue of his office, be Chairman. The powers, duties and compensation of the members of said Board shall be determined by law.

SECTION 3. The General Assembly shall, as soon as Free schools. practicable after the adoption of this Constitution, provide for a liberal and uniform system of free public schools throughout the State, and shall also make provision for the division of the State into suitable School Districts. There shall be kept open at least six months in each year one or more schools in each School District.

SECTION 4. It shall be the duty of the General Assembly to provide for the compulsory attendance, at either public or private schools, of all children between the ages of six and sixteen years, not physically or mentally disabled, for a term equivalent to twenty-four months at least: *Provided*, That no law to that effect shall be passed until a system of public schools has been thoroughly and completely organized, and facilities afforded to all the inhabitants of the State for the free education of their children.

SECTION 5. The General Assembly shall levy, at each School tax. regular session after the adoption of this Constitution, an annual tax on all taxable property throughout the State for the support of public schools, which tax shall be collected at the same time and by the same agents as the general State levy, and shall be paid into the Treasury of the State. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be applied solely to educational purposes: *Provided*, That no person shall ever be deprived of the right of suffrage for the non-payment of said tax. No other poll or capitation tax shall be levied in the State, nor shall the amount assessed on each poll exceed the limit given in this Section. The school tax shall be distributed among the several School Districts of the State, in proportion to the respective number of pupils attending the public

schools. No religious sect or sects shall have exclusive right to, or control of, any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.\*

SECTION 6. Within five years after the first regular session of the General Assembly following the adoption of this Constitution, it shall be <sup>Normal</sup> ~~be~~ <sup>School.</sup> the duty of the General Assembly to provide for the establishment and support of a State Normal School, which shall be open to all persons who may wish to become teachers.

SECTION 7. Educational institutions for the benefit of all the blind, deaf and dumb, and such other <sup>Blind, deaf</sup> ~~and~~ <sup>dumb.</sup> benevolent institutions as the public good may require, shall be established and supported by the State, subject to such regulations as may be prescribed by law.

SECTION 8. Provisions shall be made by law, as soon as practicable, for the establishment and <sup>Reform</sup> ~~and~~ <sup>School</sup> maintenance of a State Reform School for juvenile offenders.

SECTION 9. The General Assembly shall provide for the maintenance of the State University, and, <sup>State Univer-</sup> ~~as soon as practicable, provide for the estab-~~ <sup>sity.</sup> lishment of an Agricultural College, and shall <sup>Agricultural</sup> ~~appropriate the land given to this State, for~~ <sup>College.</sup> the support of such a college, by the Act of Congress, passed July second, one thousand eight hundred and sixty-two, or the money or scrip, as the case may be, arising from the sale of said lands, or any lands which may hereafter be given or appropriated for such purpose, for the support and maintenance of such college, and may make the same a branch of the State Univer-

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\*Amended: see page 52.

sity, for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith.

SECTION 10. All the public schools, colleges and universities of this State supported in whole or in part by the public funds shall be free and open to all the children and youths of the State, without regard to race or color.

SECTION 11. The proceeds of all lands that have been or hereafter may be given by the United States to this State for educational purposes, and not otherwise appropriated by this State or the United States, and of all lands or other property given by individuals, or appropriated by the State for like purpose, and of all estates of deceased persons who have died without leaving a will or heir, shall be securely invested and sacredly preserved as a State school fund, and the annual interest and income of said fund, together with such other means as the General Assembly may provide, shall be faithfully appropriated for the purpose of establishing and maintaining free public schools, and for no other purposes or uses whatever.

## ARTICLE 11.

### CHARITABLE AND PENAL INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, deaf and dumb and the poor shall always be fostered and supported by this State, and shall be subject to such regulations as the General Assembly may enact.

SECTION 2. The Directors of the Penitentiary shall be elected or appointed as the General Assembly may direct.



SECTION 3. The Directors of the benevolent and other State institutions, such as may be here- Directors. after created, shall be appointed by the Governor, by and with the consent of the Senate; and upon all nominations made by the Governor the question shall be taken by yeas and nays and entered upon the Journals.

SECTION 4. The Governor shall have power to fill all vacancies that may occur in the offices afore- Vacancies. said until the next session of the General Assembly and until a successor or successors shall be appointed and confirmed.

SECTION 5. The respective Counties of this State shall make such provision as may be deter- Poor laws. mined by law for all those inhabitants who, by reason of age and infirmities or misfortunes, may have a claim upon the sympathy and aid of society.

SECTION 6. The physician of the Lunatic Asylum, who shall be Superintendent of the same, Lunatic Asylum. shall be appointed by the Governor, with the advice and consent of the Senate. All other necessary officers and employees shall be appointed by the Governor.

## ARTICLE 12.

### CORPORATIONS.

SECTION 1. Corporations may be formed under general laws; but all such laws may from time to Corporations. time be altered or repealed.

SECTION 2. The property of corporations now existing or hereafter created shall be subject to Taxation of. taxation, except in cases otherwise provided for in this Constitution.

SECTION 3. No right of way shall be appropriated to  
Right of way. the use of any corporation until full compensation therefor shall be first made, or secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men, in a Court of record, as shall be prescribed by law.

SECTION 4. Dues from corporations shall be secured  
Debts. by such individual liability of the stockholders and other means as may be prescribed by law.

SECTION 5. All general laws and special Acts passed  
Personal responsibility. pursuant to this Section shall make provisions therein for fixing the personal liability of stockholders under proper limitations; and shall prevent and punish fraudulent misrepresentations as to the capital, property and resources of such corporations; and shall also regulate the public use of all franchises which have heretofore been, or hereafter may be, created or granted by or under the authority of this State; and shall limit all tolls, imposts and other charges and demands under such laws.

SECTION 6. The General Assembly shall grant no  
Banking corporations. charter for banking purposes, nor renew any banking corporations now in existence, except upon the condition that the stockholders shall be liable to the amount of their respective share or shares of stock in such banking institution for all its debts and liabilities, upon note, bill or otherwise; and upon the further condition that no Director or other officer of said corporation shall borrow any money from said corporation; and if any Director or other officer shall be convicted, upon indictment, of directly or indirectly violating this Section, he shall be punished by fine or imprisonment, at the discretion of the Court.

The books, papers and accounts of all banks shall be open to inspection, under such regulations as may be prescribed by law.

## ARTICLE 13.

## MILITIA.

SECTION 1. The militia of this State shall consist of all able-bodied male citizens of the State <sup>Militia.</sup> between the ages of eighteen and forty-five years, except such persons as are now, or may hereafter be, exempted by the laws of the United States, or who may be averse to bearing arms, as provided for in this Constitution; and shall be organized, armed, equipped and disciplined as the General Assembly may by law provide.

SECTION 2. The Governor shall have power to call out the militia to execute the laws, repel <sup>May be</sup> invasion, repress insurrection and preserve <sup>called out.</sup> the public peace.

SECTION 3. There shall be an Adjutant and Inspector General elected by the qualified electors of <sup>Adjutant and</sup> the State, at the same time and in the same <sup>Inspector</sup> manner as other State officers, who shall rank as a Brigadier General, and whose duties and compensation shall be prescribed by law. The Governor shall appoint, by and with the advice and consent of the Senate, such other staff officers as the General Assembly may direct.

## ARTICLE 14.

## MISCELLANEOUS.

SECTION 1. No person shall be elected or appointed to any office in this State unless he possess <sup>Qualifications</sup> the qualifications of an elector. <sup>for office.</sup>

SECTION 2. Lotteries, and the sale of lottery tickets, Lotteries. for any purpose whatever, are prohibited, and the General Assembly shall prevent the same by penal laws.

SECTION 3. The State Library shall be subject to such State Library. regulations as the General Assembly may prescribe.

SECTION 4. The General Assembly may direct by law Claims. in what manner claims against the State may be established and adjusted.

SECTION 5. Divorces from the bands of matrimony Divorces. shall not be allowed but by the judgment of a Court, as shall be prescribed by law.

SECTION 6. No person who denies the existence of Disqualifica-  
tion for office. the Supreme Being shall hold any office under this Constitution.

SECTION 7. The printing of the laws, Journals, Bills, Printing. legislative documents and papers for each branch of the General Assembly, with the printing required for the Executive and other Departments of the State, shall be let on contract in such manner as shall be prescribed by law.

SECTION 8. The real and personal property of a W o m a n ' s  
property. woman held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall not be subject to levy and sale for her husband's debts, but shall be held as her separate property, and may be bequeathed, devised or alienated by her the same as if she were unmarried: *Provided*, That no gift or grant from the husband to the wife shall be detrimental to the just claims of his creditors.

SECTION 9. The General Assembly shall provide for the removal of all causes which may be pending when this Constitution goes into effect to Courts created by the same. <sup>Removal of causes.</sup>

SECTION 10. The election for all State officers shall take place at the same time as is provided for that of members of the General Assembly, and the election for those officers whose terms of service are for four years shall be held at the time of each alternate general election. <sup>Election of State officers.</sup>

## ARTICLE XV.

### AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on the Journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the State, at the next general election thereafter for Representatives; and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote in favor of such amendment or amendments, and two-thirds of each branch of the next General Assembly shall, after such an election, and before another, ratify the same amendment or amendments, by yeas and nays, the same shall become part of the Constitution: *Provided*, That such amendment or amendments shall have been read three times, on three several days, in each house. <sup>Amendments to the Constitution.</sup>

SECTION 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall <sup>If two or more.</sup>

vote for or against each of such amendments separately.

SECTION 3. Whenever two-thirds of the members  
Conventions. elected to each branch of the General Assembly shall think it necessary to call a Convention to revise, amend or change this Constitution, they shall recommend to the electors to vote at the next election for Representatives for or against a Convention; and if a majority of all the electors voting at said election shall have voted for a Convention, the General Assembly shall, at their next session, provide by law for calling the same; and such Convention shall consist of a number of members not less than that of the most numerous branch of the General Assembly.

## AMENDMENTS.

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### ARTICLE 16.

[Ratified January, 1873.]

To the end that the public debt of South Carolina may not hereafter be increased without the due consideration and free consent of the people of the State, the General Assembly is hereby forbidden to create any further debt or obligation, either by the loan of the credit of the State, by guaranty, endorsement or otherwise, except for the ordinary and current business of the State, without first submitting the question as to the creation of any such new debt, guaranty, endorsement or loan of its credit to the people of this State at a general State election; and unless two-thirds of the qualified voters of this State, voting on the question, shall be in favor of a further debt, guaranty, endorsement or loan of its credit, none shall be created or made.

Prohibiting  
creation of debt  
without con-  
sent of the peo-  
ple.

### AMENDMENT TO ARTICLE 2, SECTION 11.

[Ratified January, 1873.]

Strike out all that portion of Section 11, Article 2, following the words "eighteen hundred and seventy," occurring in the fourth and fifth lines, and insert the following: "And forever thereafter on the first Tuesday following the first Monday in November in every second year, in such manner and in such place as the Legislature may provide."

Amendment  
changing elec-  
tion from Octo-  
ber to Novem-  
ber.

## AMENDMENT TO ARTICLE 3, SECTION 23.

[Ratified March 4, 1875.]

Strike out of Section 23 of Article 3 the word "four,"  
Art. 3, Sec. 23, as to term of office, amended. occurring in the third line, and insert the word "two," so that the Section of the Constitution will read, when amended, as follows:

"SECTION 23. There shall be elected by the qualified voters of the State a Comptroller General, Secretary of State, Treasurer, Attorney General, Adjutant and Inspector General, and Superintendent of Education, who shall hold their respective offices for the term of two years, and whose duties and compensation shall be prescribed by law."

## AMENDMENT TO ARTICLE 2, SECTION 3.

[Ratified March 10, 1875.]

That Section 3 of Article 2 of the Constitution of  
"Toxaway" substituted for "White Water." the State be amended by striking out the words "White Water River," in the fifth line of said Section, and inserting in the place thereof the words "Toxaway River."

## AMENDMENT TO ARTICLE 10, SECTION 5.

[Ratified January 22, 1878.]

"The Boards of County Commissioners of the several  
Tax of two mills for public schools. Counties shall levy an annual tax of not less than two mills on the dollar of all the taxable property in their respective Counties, which levy shall not be increased unless by special enactment of the General Assembly, for the support of the public schools in their respective Counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County Treasuries of the respective



Counties, and paid out exclusively for the support of the public schools, as provided by law. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of Poll tax. which tax shall be applied solely to educational purposes: *Provided*, That no person shall ever be deprived of the right of suffrage for the non-payment of such tax. No other poll or capitation tax shall be levied in this State, nor shall the amount assessed on each poll exceed the limit given in this Section. The school tax shall be distributed among the several School Districts of the Counties in proportion to the respective number of pupils attending the public schools. No religious sect or sects shall have exclusive right to or control of any part of the school funds of the State, nor shall sectarian principles be taught in the public schools."

#### AMENDMENT TO ARTICLE 2, SECTION 32.

[Ratified December 11, 1880.]

"That Section 32, Article 2, of the Constitution of this State be, and is hereby, stricken out and the following inserted in lieu thereof:

"The General Assembly shall enact such laws as will exempt from attachment and sale under any mesne or final process issued from any Court Art. 2, Sec. 32, as to homestead, amended. to the head of any family residing in this

State a homestead in lands, whether held in fee or any lesser estate, not to exceed in value one thousand dollars, with the yearly products thereof; and every head of a family residing in this State, whether entitled to a homestead exemption in lands or not, personal property not to exceed in value the sum of five hundred dollars: *Provided*, That in case any woman having a separate

estate shall be married to the head of a family who has not of his own sufficient property to constitute a homestead as hereinbefore provided, said married woman shall be entitled to a like exemption as provided for the head of a family: *Provided, further*, That there shall not be an allowance of more than one thousand dollars' worth of real estate and more than five hundred dollars' worth of personal property to the husband and wife jointly: *Provided*, That no property shall be exempt from attachment, levy or sale for taxes, or for payment of obligations contracted for the purchase of said homestead or the erection of improvements thereon: *Provided, further*, That the yearly products of said homestead shall not be exempt from attachment, levy or sale for the payment of obligations contracted in the production of the same. It shall be the duty of the General Assembly at their first session to enforce the provisions of this Section by suitable legislation."

#### AMENDMENT TO ARTICLE 2, SECTION 11.

[Ratified December 21, 1882.]

That Section eleven, Article two, of the Constitution of this State, as amended, be, and the same is hereby, stricken out and the following inserted in lieu thereof:

"The general election for Senators and Representatives shall be held in every second year, in such manner, at such time and at such places as the Legislature may provide."

Biennial elections to be fixed by Legislature.

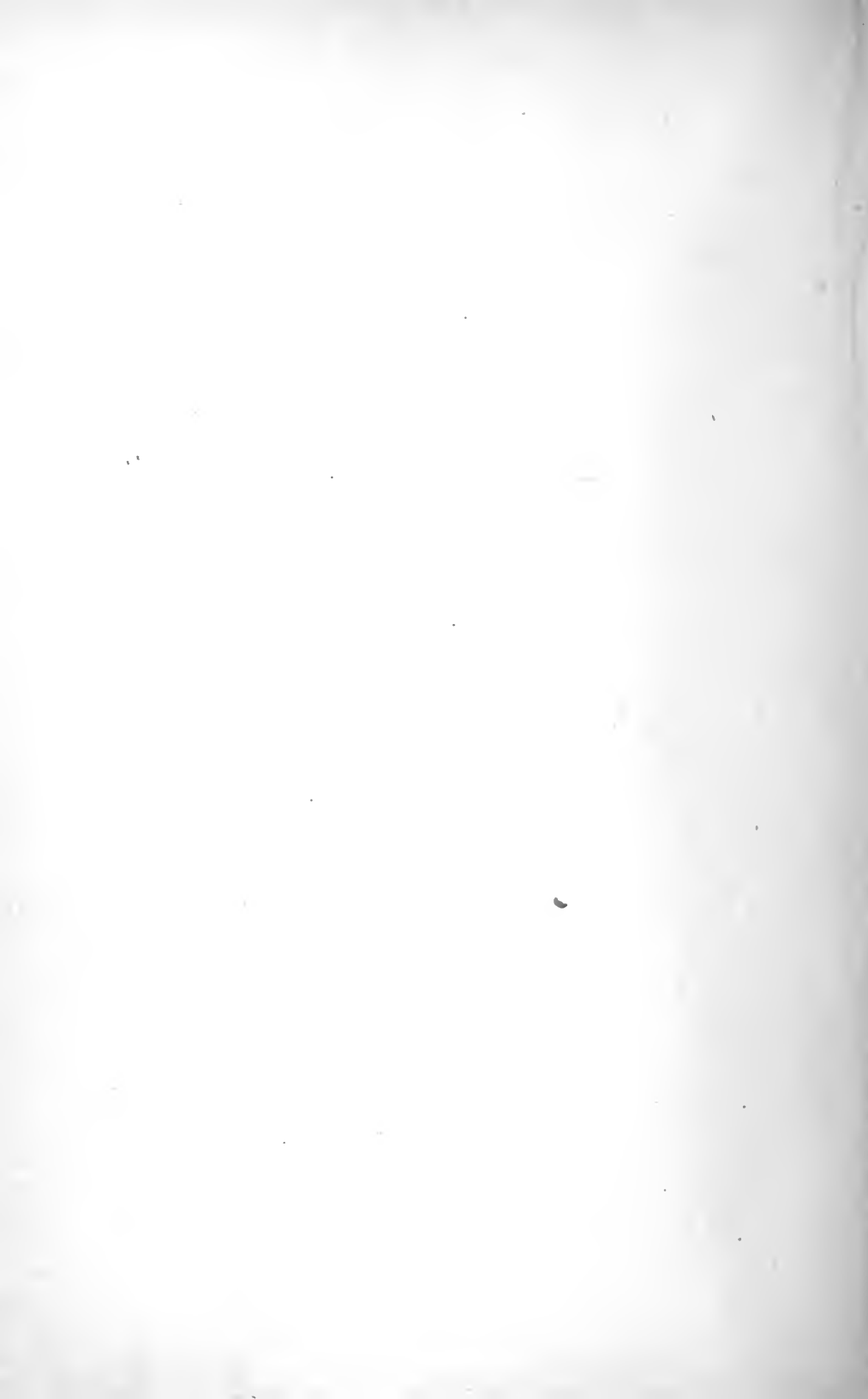
## AMENDMENT TO ARTICLE 8, SECTION 8.

[Ratified December 21, 1882.]

That Section 8, Article 8, of the Constitution be amended by inserting therein, after the word "murder," the following words: "burglary, larceny, perjury, forgery or any other infamous crime," so that the Section, when amended, shall read as follows:

"SECTION 8. The General Assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, burglary, larceny, perjury, forgery or any other infamous crime, or dueling, whereof the person shall have been duly tried and convicted."

Burglary, larceny, perjury, forgery or any other infamous crime added to disqualifications.



# CONSTITUTION

## OF THE

# UNITED STATES OF AMERICA.

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### PREAMBLE.

Objects of the Constitution.

### ARTICLE I.

#### SEC.

1. Legislative powers, in whom vested.
2. House of Representatives, how and by whom chosen. Qualifications of a Representative. Representatives and direct taxes, how apportioned. Census. Vacancies to be filled. Power of choosing officers and of impeachment.
3. Senators, how and by whom chosen. How classified. State Executive to make temporary appointments, in case, &c. Qualifications of a Senator. President of the Senate has right to vote. President *pro tem.* and other officers of Senate, how chosen. Power to try impeachment. When President is tried, Chief Justice to preside. Sentence.
4. Times, &c., of holding elections, how prescribed. One session in each year.
5. Membership. Quorum. Adjournments. Rules. Power to punish or expel. Journal. Time of adjournment limited unless, &c.
6. Compensation. Privileges. Disqualification in certain cases.
7. House to originate all revenue Bills. Veto. Bill may be passed by two-thirds of each house, notwithstanding, &c. Bill not returned in ten days. Provision as to all orders, &c., except, &c.
8. Powers of Congress.
9. Provision as to migration or importation of certain persons. *Habeas corpus.* Bills of attainder, &c. Taxes, how apportioned. No export duty. No commercial preferences. No money drawn from Treasury unless, &c. No titular nobility. Officers not to receive presents unless, &c.
10. States prohibited from the exercise of certain powers.

### ARTICLE II.

#### SEC.

1. President and Vice President, their term of office. Electors of President and Vice President, number, and how appointed. Electors to vote on same day. Qualification of President. On whom his duties devolve in case of his removal, death, &c. President's compensation. His oath.
2. President to be Commander-in-Chief. He may require opinion of, &c., and may pardon. Treaty making power. Nomination of certain officers. When President may fill vacancies.
3. President shall communicate to Congress. He may convene and adjourn Congress, in case, &c.; shall receive ambassadors, execute laws and commission officers.
4. All civil offices forfeited for certain crimes.

### ARTICLE III.

#### SEC.

1. Judicial power. Tenure. Compensation.
2. Judicial power, to what cases it extends. Original jurisdiction of Supreme Court. Appellate. Trial by jury, except, &c. Trial, where
3. Treason defined. Proof of. Punishment of.

### ARTICLE IV.

#### SEC.

1. Credit to be given to public Acts, &c., of every State.
2. Privileges of citizens of each State. Fugitives from justice to be delivered up. Persons held to service, having escaped, to be delivered up.
3. Admission of new States. Power of Congress over territory and other property.
4. Republican form of government guaranteed. Each State to be protected.

## ARTICLE V.

Constitution, how amended. Proviso.

## ARTICLE VI.

Certain debts, &c., adopted. Supremacy of Constitution, treaties and laws of the United States. Oath to support Constitution, by whom taken. No religious test.

## ARTICLE VII.

What ratification shall establish Constitution.

## AMENDMENTS.

## ARTICLE.

1. Religious establishment prohibited. Freedom of speech, of the press and right to petition.
2. Right to keep and bear arms.
3. No soldier to be quartered in any house unless, &c.

## ARTICLE OF AMENDMENT.

4. Right of search and seizure regulated.
5. Provisions concerning prosecutions, trials and punishments. Private property not to be taken for public use without, &c.
6. Further provisions respecting criminal prosecutions.
7. Right of trial by jury secured.
8. Bail, fines and punishments.
9. Rule of construction.
10. Same subject.
11. Same subject.
12. Manner of choosing President and Vice President.
13. (1.) Slavery abolished. (2.) Power of Congress, &c.
14. (1.) Who citizens. Privileges. (2.) Apportionment and basis of representation. (3.) Political disabilities. (4.) Validity of public debt; debts of the rebellion or for slaves invalid. (5.) Power of Congress, &c.
15. (1.) Right to vote not abridged by race, color or previous condition. (2.) Power of Congress, &c.

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

Preamble.

2 Dall., 419.

1 Wheat., 304.

4 Wheat., 316.

9 Wheat., 1.

## ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United

Qualifications of a Representative.

States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in con-  
How classified. sequence of the first election, they shall be  
 divided as equally as may be into three classes. The  
 seats of the Senators of the first class shall be vacated  
 at the expiration of the second year, of the second  
 class at the expiration of the fourth year, and of the  
 third class at the expiration of the sixth year, so that  
 one-third may be chosen every second year; and if  
 vacancies happen by resignation, or other-  
State Execu-  
 tive to make  
 temporary ap-  
 pointments, in  
 case, &c. wise, during the recess of the Legislature of  
 any State, the Executive thereof may make  
 temporary appointments until the next meet-  
 ing of the Legislature, which shall then fill such vacan-  
 cies.

No person shall be a Senator who shall not have  
Qualifications  
 of a Senator. attained to the age of thirty years, and been  
 nine years a citizen of the United States, and  
 who shall not, when elected, be an inhabitant of that  
 State for which he shall be chosen.

The Vice President of the United States shall be  
President of  
 the Senate, his  
 right to vote. President of the Senate, but shall have no  
 vote, unless they be equally divided.

The Senate shall choose their other officers, and also a  
President *pro*  
*tem.* and other  
 officers of Sen-  
 ate, how cho-  
 sen. President *pro tempore*; in the absence of the  
 Vice President, or when he shall exercise the  
 office of President of the United States.

Power to try  
 impeachments. The Senate shall have the sole power to try  
 all impeachments. When sitting for that  
 purpose, they shall be on oath or affirmation. When  
 the President of the United States is tried,  
When Presi-  
 dent is tried,  
 Chief Justice  
 to preside. the Chief Justice shall preside; and no per-  
 son shall be convicted without the concur-  
 rence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend  
Sentence, further than to removal from office and dis-



qualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 4. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Times, &c., of holding elections, how prescribed. U. S. Statutes, 1842, 47, § 2.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

One session in each year.

SEC. 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Membership. Quorum. Adjournments.

Each house may determine the rules of its proceedings, and punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Rules. Power to punish or expel.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

Journal.

Neither house, during the session of Congress, shall, Time of adjournment limited, unless, &c. without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, Privileges. felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No Senator or Representative shall, during the time Disqualification in certain cases. for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

SEC. 7. All Bills for raising revenue shall originate House to originate all revenue Bills. in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

Every Bill which shall have passed the House of Veto. Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their Journal and proceed to

reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the Bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the Journal of each house respectively. If any Bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Bill may be passed by two-thirds of each house, notwithstanding, &c.

Bill not returned in ten days.

Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a Bill.

Provision as to all orders, &c., except, &c.

SEC. 8. The Congress shall have power: To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States, but all duties, imposts and excises shall be uniform throughout the United States; to borrow money on the credit of the United States; to regulate commerce with foreign nations, and among the several States, and with the

Powers of Congress.

5 Wheat., 317.

12 Wheat., 419.

9 Wheat., 1.

12 Pct., 72.

2 Wheat., 259.

Indian tribes; to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States; to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish postoffices and post roads; to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries; to constitute tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas and offenses against the law of nations; to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress; to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places

purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards and other needful buildings; and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Provision as to migration or importation of certain persons.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

*Habeas corpus.*  
4 Cranch, 75.

No bill of attainder or *ex post facto* law shall be passed.

Bills of attainder, &c.  
3 Dall., 386.  
12 Wheat., 213.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Taxes, how apportioned.

No tax or duty shall be laid on articles exported from any State.

No export duty.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

No commercial preferences.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any King, Prince or foreign State.

SEC. 10. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

## ARTICLE II.

SECTION 1. The Executive power shall be vested in a President of the United States of America. President and Vice President  
 He shall hold his office during the term of their term of  
 four years, and, together with the Vice Pre- office.  
 sident, chosen for the same term, be elected as follows :

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors of  
 Electors equal to the whole number of Sen- President and  
 ators and Representatives to which the State Vice President  
 may be entitled in the Congress; but no --number and  
 Senator or Representative, or person holding an office how appointed  
 of trust or profit under the United States, shall be ap-  
 pointed an Elector.

\*[The Electors shall meet in their respective States and vote by ballot for two persons, of whom Amendment  
 one at least shall not be an inhabitant of the XII a substi-  
 same State with themselves. And they shall tute for this  
 make a list of all the persons voted for, and of the paragraph.  
 number of votes for each; which list they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said

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\*This paragraph has been superseded and annulled by the 12th amendment.

House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]

The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Electors to vote on same day.  
U. S. Statutes, 1845, 1.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.

Qualifications of President.

In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation or inability both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

On whom his duties devolve in case of his removal, death, &c.  
U. S. Statutes, 1792, 8, § 10.



The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

President's  
compensation.  
U. S. Statutes,  
1793, 9.  
1853, 97, § 4.

Before he enter on the execution of his office he shall take the following oath or affirmation :

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

His oath.

SEC. 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into actual service of the United States. He may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

President to be  
Commander-  
in-Chief.

He may re-  
quire opinion  
of, &c., and  
may pardon.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint, Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment

Treaty mak-  
ing power.  
1 Cranch., 137.  
2 Pet., 253.  
12 Pet., 524.  
13 Pet., 415.  
Nomination  
of certain of-  
ficers.

1 Pet., 511.  
13 Pet., 230.

of such inferior officers as they think proper in the President alone, in the Courts of law or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

When President may fill vacancies.  
**SEC. 3.** He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

President shall communicate to Congress.  
**SEC. 4.** The President, Vice President and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery or other high crimes and misdemeanors.

### ARTICLE III.

**SECTION 1.** The judicial power of the United States shall be vested in one Supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall,

Judicial power.

Tenure.

at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Compensation.

SEC. 2. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects. Judicial power, to what cases it extends.  
2 Dall., 419.  
1 Cranch, 137.  
11 Wheat., 467.  
1 Pet., 511.  
12 Pet., 657.  
5 Pet., 1.  
  
See amendment XI.

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make. Original jurisdiction of Supreme Court  
  
Appellate.  
7 Cranch, 108.  
1 Wheat., 304.

The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed. Trial by jury, except, &c.  
  
Trial where.

SEC. 3. Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open Court.

Treason defined.

1 Dall., 56.

2 Dall., 348.

Proof of.

4 Cranch, 470.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

Punishment of.

## ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public Acts, records and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such Acts, records and proceedings shall be proved and the effect thereof.

Credit to public Acts, &c., of every State.

U. S. Statutes, 1790, 11.

1804, 56.

7 Cranch, 481.

3 Wheat., 234.

Privileges of citizens of each State.

18 How., 71.

3 Gray, 276.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony or other crime who shall flee from justice and be found in another State shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives from justice to be delivered up.

No person held to service or labor in one State, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Persons held to service having escaped to be delivered up.

U. S. Statutes, 1793, 7.

1850, 60.

16 Pet., 539.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of <sup>Admission of new States.</sup> any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in <sup>Power of Congress over territory and other property.</sup> this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them <sup>Republican form of government guaranteed.</sup> against invasion, and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) <sup>Each State to be protected.</sup> against domestic violence.

## ARTICLE V.

Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments <sup>Constitution, how amended.</sup> to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment <sup>Proviso.</sup>

which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth Section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

All debts contracted and engagements entered into Certain debts, before the adoption of this Constitution &c., adopted. shall be as valid against the United States under this Constitution as under the confederation.

This Constitution, and the laws of the United States Supremacy of Constitution, treaties and laws of the United States. which shall be made in pursuance thereof, and all the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, Oath to support Constitution, by whom taken and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this No religious test. Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

What ratification shall establish Constitution. The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

## ARTICLES

IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION  
OF THE UNITED STATES OF AMERICA, PROPOSED BY  
CONGRESS AND RATIFIED BY THE LEGISLATURES OF  
THE SEVERAL STATES, PURSUANT TO THE FIFTH  
ARTICLE OF THE ORIGINAL CONSTITUTION.

## ARTICLE I.

Congress shall make no law respecting an <sup>Religious</sup> establishment of religion or prohibiting the <sup>establishment</sup> free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the <sup>Freedom of</sup> people peaceably to assemble and to petition <sup>speech, of the</sup> the government for a redress of grievances. <sup>press, and right</sup> <sup>to petition.</sup>

## ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be in- <sup>Right to keep</sup> fringed. <sup>and bear arms.</sup>

## ARTICLE III.

No soldier shall in time of peace be quartered in any house without the consent of the owner, <sup>No soldier to</sup> nor in time of war but in a manner to be <sup>be quartered in</sup> prescribed by law. <sup>any house, un-</sup> <sup>less, &c.</sup>

## ARTICLE IV.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be vio- <sup>Right of search</sup> lated, and no warrants shall issue but upon <sup>and seizure</sup> <sup>regulated.</sup> <sup>3 Cranch, 448.</sup>

probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

## ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime unless on a pre-sentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

Provisions concerning prosecutions, trials and punishments.

2 Sumner, 19.

Private property not to be taken for public use without, &c.

7 Pet., 243.

## ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Further provisions respecting criminal prosecutions.



## ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States than according to the rules of the common law.

Right of trial  
by jury secured  
3 Pet., 433.  
5 Gray, 144.

## ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Bails, fines and  
punishments.  
5 Gray, 482.

## ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Rule of con-  
struction.

## ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Same subject.  
3 Gray, 268.

## ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

Same subject.  
3 Dall., 378.

## ARTICLE XII.

The Electors shall meet in their respective States and  
Manner of choosing President and Vice President. vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of <sup>Same subject.</sup> votes as Vice President shall be the Vice President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no <sup>Same subject.</sup> person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

### ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof <sup>Slavery abol-</sup> the party shall have been duly convicted, <sup>ished.</sup> shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this Article by appropriate legislation.

### ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction <sup>Who are citi-</sup> thereof are citizens of the United States and <sup>zens.</sup> of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United <sup>Privileges.</sup> States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed; but when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States

nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article.

Debts of the rebellion or for slaves invalid.

Power of Congress to enforce.

## ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

Right to vote not abridged by race, color or previous condition.

SEC. 2. The Congress shall have power to enforce this Article by appropriate legislation.

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[NOTE.—The Constitution was adopted 17th September, 1787, by the unanimous consent of the States present in the Convention appointed in pursuance of the resolution of the Congress of the Confederation, of the 21st February, 1787, and was ratified by the Conventions of the several States, as follows, viz.: By Convention of Delaware, 7th December, 1787; Pennsylvania, 12th December, 1787; New Jersey, 18th December, 1787; Georgia, 2d January, 1788; Connecticut, 9th January, 1788; Massachusetts, 6th February, 1788; Maryland, 28th April, 1788; South Carolina, 23d May, 1788; New Hampshire, 21st June, 1788; Virginia, 26th June, 1788; New York, 26th July, 1788; North Carolina, 21st November, 1789; Rhode Island, 29th May, 1790.

The first ten of the amendments were proposed at the first session of the First Congress of the United States, 25th September, 1789, and were finally ratified by the Constitutional number of States on the 15th day of December, 1791. The eleventh amendment was proposed at the first session of the Third Congress, 5th March, 1794, and was declared in a message from the President of the United States to both houses of Congress, dated 8th January, 1798, to have been adopted by the Constitutional number of States.

The twelfth amendment was proposed at the first session of the Eighth Congress, 12th December, 1803, and was adopted by the Constitutional number of States in 1804, according to a public notice thereof by the Secretary of State, dated 25th September of the same year.

The thirteenth Article was submitted to the Legislatures of the several States, there being then thirty-six States, by a resolution of Congress passed on the 1st of February, 1865, at the second session of the Thirty-eighth Congress, and was ratified, according to a proclamation of the Secretary of State dated December 18, 1865.

The fourteenth Article was submitted to the Legislatures of the several States, there being then thirty-seven States, by a resolution of Congress passed on the 16th of June, 1866, at the first session of the Thirty-ninth Congress, and was ratified, according to a proclamation of the Secretary of State dated July 28, 1868.

The fifteenth Article was submitted to the Legislatures of the several States, there being then thirty-seven States, by a resolution of Congress passed on the 27th of February, 1869, at the first session of the Forty-first Congress, and was ratified, according to a proclamation of the Secretary of State dated March 30, 1870.]



# INDEX

## TO THE

# CONSTITUTION OF SOUTH CAROLINA.

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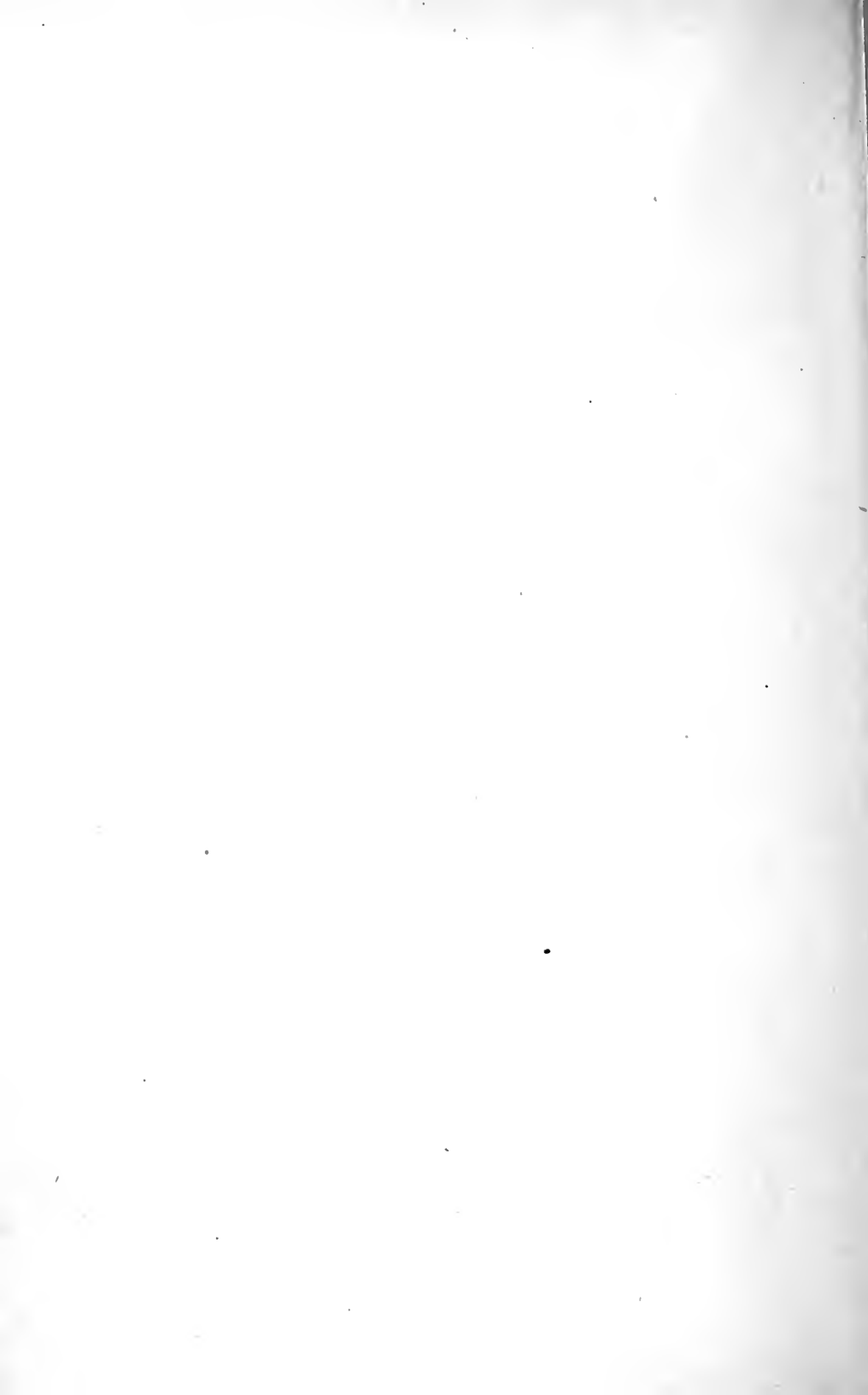
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# I N D E X

## TO THE

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## OF AMERICA.

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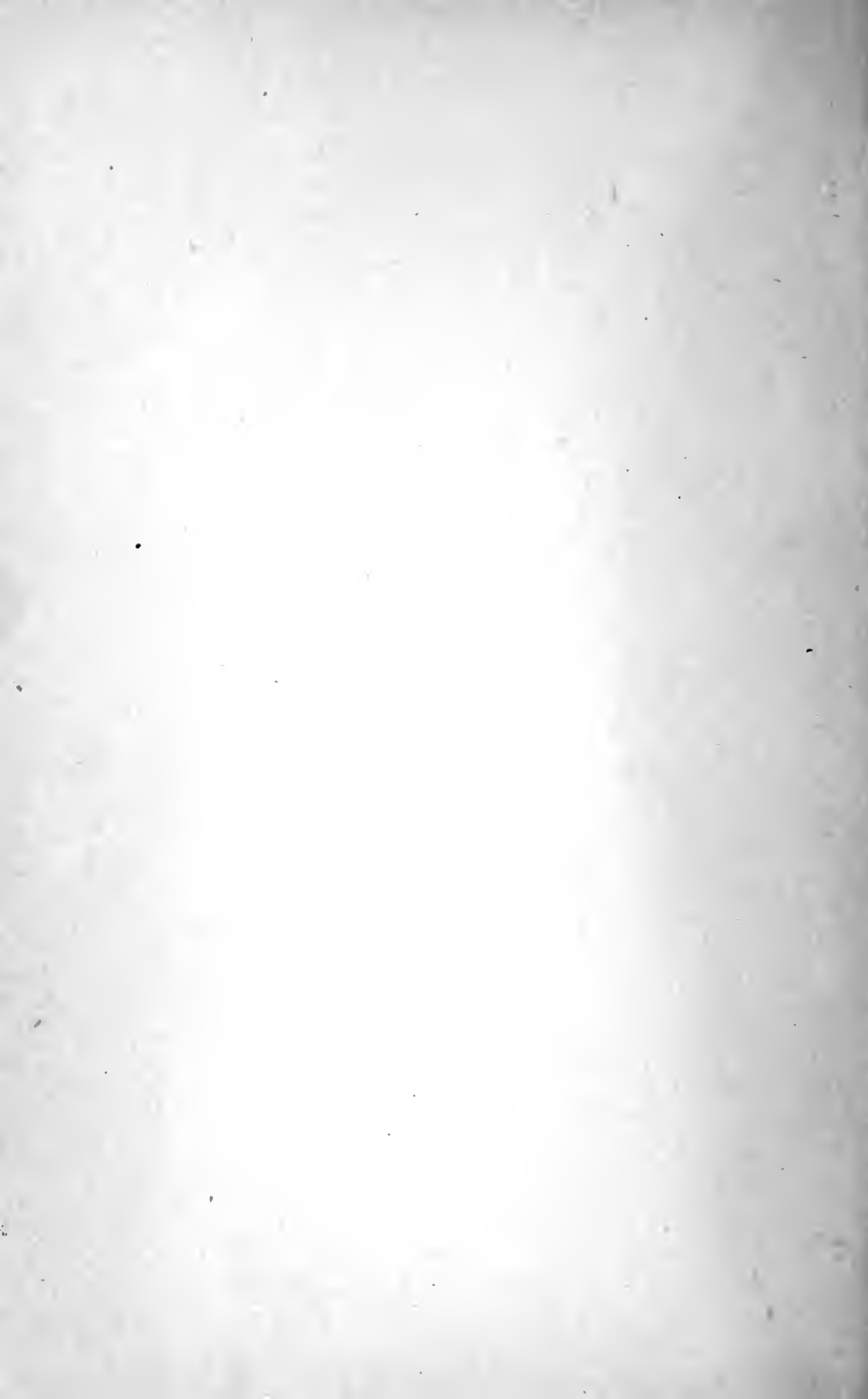
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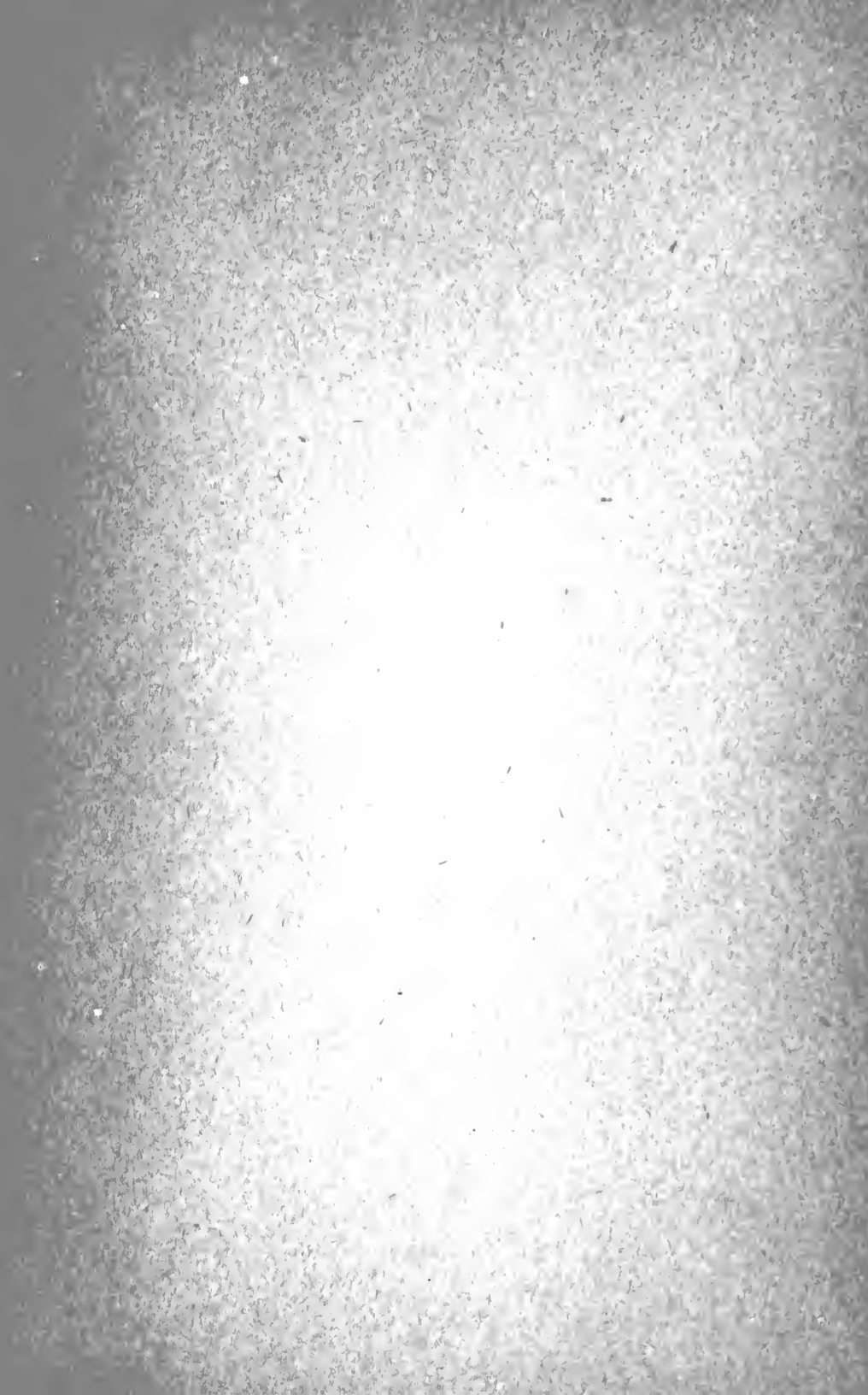
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